

FILED

NOT FOR PUBLICATION

JUN 13 2007

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL TRENT BARNES,

Defendant - Appellant.

No. 05-10577

D.C. No. CR-03-00502-SOM

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii

Susan Oki Mollway, District Judge, Presiding

Submitted June 5, 2007 **

Before: LEAVY, RYMER, and T.G. NELSON, Circuit Judges.

Michael Trent Barnes appeals from his guilty-plea conviction for cultivating more than 1,000 marijuana plants, in violation of 21 U.S.C. §§ 841(a)(1) and

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

841(b)(1)(C), and criminal forfeiture, in violation of 21 U.S.C. § 853. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Barnes contends that his counsel during the proceedings in the district court had conflicts of interest that denied him effective assistance of counsel, in violation of the Sixth Amendment. Because the record is insufficiently developed, we decline to consider this claim on direct appeal. *See United States v. Reyes-Platero*, 224 F.3d 1112, 1116 (9th Cir. 2000) (holding that sufficiently developed record is exception to general rule that ineffective assistance of counsel arguments are ordinarily inappropriate for direct review and should be brought in habeas corpus proceedings pursuant to 28 U.S.C. § 2255).

AFFIRMED.

A TRUE COPY
CATHY A. CATTERSON
CLERK OF COURT
ATTEST

JUL - 8 2007

by:

Deputy Clerk